

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7740 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PATEL KANTILAL CHHITABHAI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR MIG MANSURI for Petitioner

MR. JAYANT PATEL STANDING COUNSEL for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 18/09/98

ORAL JUDGEMENT

Rule. Mr. Jayant Patel, learned Standing Counsel appearing for the respondent waives service of rule on behalf of the respondent.

2. Heard.

3. This is a petition for direction on the respondent to correct the birth date in the passport of

the petitioner. It appears to be a general approach of the authorities to direct the applicant to the court for a correction of birth date in the passport without themselves going into the matter at all. If any application is to be made in the passport, the application given in that regard should be decided by the concerned authority. Relegating in all cases a party to a Civil Court may frustrate the very purpose of getting a passport because it is a notorious fact that matters take number of years for final decision in civil Courts. So far as the High Court is concerned, in disputed cases, it would be impossible for the High Court to decide the birth date in exercise of its writ powers. It would, therefore, be appropriate for the authority concerned to take its own decision on the basis of the evidence when any application for correction of the birth date is made. The learned advocate appearing for the petitioner says that the petitioner will make an application before the concerned passport authority for correction of the birth date in the passport within one week from today. On such an application made by the petitioner, the concerned passport authority shall take appropriate decision in accordance with law within two weeks of the date of such application. Rule is made absolute in above terms. Bearing in mind the peculiar facts and circumstances of this case, instead of directing the petitioner to pay cost of the respondent by way of depositing the amount of cost of Rs. 1,000/-, the petitioner is hereby directed to pay Rs.500/- (Rs. five hundred only) towards the cost and deposit the same before the respondent authority over and above the regular charges that might be required to be paid by the petitioner alongwith the application. DS Permitted.

Vyas. *****